



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU GRANTS CONSENT FOR ACQUISITION OF ASSETS OF DIGITAL TELEPORT, INC. BY CENTURYTEL FIBER COMPANY II, LLC

WC Docket No. 03-99

Pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.03 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 63.03, the Wireline Competition Bureau (Bureau) approves the application of CenturyTel Fiber Company II, LLC ("CTF II") to acquire all the operating assets of Digital Teleport, Inc. ("DTI"), as approved by the United States Bankruptcy Court for the Eastern District of Missouri.<sup>1</sup> CTF II will acquire the core domestic telecommunications assets of DTI, including the equipment, fiber routes and customers of DTI.<sup>2</sup> No comments or petitions to deny were received in response to the public notice announcing that the application had been accepted for filing.

The Bureau finds, upon consideration of the record, that the proposed transfer will serve the public interest, convenience and necessity, and therefore grants the requested authorization.<sup>3</sup>

<sup>1</sup> See *In re: Digital Teleport, Inc., Order Approving Asset Purchase Agreement with CenturyTel Fiber Company II, LLC and Authorizing Sale of Assets Free and Clear of Liens, Interests, and Encumbrances; and Approving Assignment of Certain Executory Contracts and Unexpired Lease Pursuant to Sections 363 and 365 of the Bankruptcy Code*, Case No. 01-54369-399 (Bankr. E.D. Mo. Feb. 13, 2003).

<sup>2</sup> See *Domestic Section 214 Application Filed For Acquisition of Assets of Digital Teleport, Inc. by CenturyTel Fiber Company II, LLC*, WC Docket No. 03-99, Public Notice, DA 03-1289 (rel. Apr. 25, 2003).

<sup>3</sup> See *Joint Applications of Telephone and Data Systems, Inc. and Chorus Communications, Ltd. For Authority to Transfer Control of Commission Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 22, 63 and 98 of the Commission's Rules*, Memorandum Opinion and Order, 16 FCC Rcd 15293, 15296-99 (CCB/WTB 2001) (authorizing transfer of control involving an incumbent LEC and in-region provider of local exchange and exchange access services primarily to business customers where overlap was limited and transaction overall resulted in pro-competitive benefits); *Joint Applications of Onepoint Communications Corp. and Verizon Communications for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, To Transfer Control of Authorizations to Provide Domestic Interstate and International Telecommunications Services as a Non-Dominant Carrier*, Memorandum Opinion and Order, 15 FCC Rcd 24165, 24169-171 (CCB 2000) (concluding that incumbent LEC investment in a financially troubled telecommunications provider that, among other services, offered in-region resale service to only a limited number of customers, was in the public interest).

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the consent granted herein is effective upon the release of the Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Dennis Johnson, Competition Policy Division, Wireline Competition Bureau at (202) 418-0809.

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